IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 871 OF 2006

Union Bank Karmachari Sena & ors.... Petitioner

versus

Union Bank & ors. ... Respondents.

Shri S.V.Chaubal for the petitioner.
Mrs. S.V. Bharucha i/b.S.S.Sarkar for Respdt.2 and 3.
Shri A.D.Shetty with Ms. Rita Joshi and T.Shetty for
Respdt. no.1.

CORAM; V.G. PALSHIKAR &
V.R.KINGAOKAR, JJ.

DATED; 31st March, 2006.

P.C:

1. By this petition, the petitioner has challenged the communication dated 19th July 2004 by which the application of the petitioner for making a reference before the appropriate Labour/Industrial Court on failure of conciliation was rejected. The reason given was that the claim made by Ms.Parekh was not according to rules.

2. It is a settled position in law that such adjudication cannot be done by appropriate Government. It has to only see existence of primafacie dispute between the employer and the employee. Whether that dispute is liable to be adjudicated in favour or

against the claimant is not within the jurisdiction of the appropriate Government to decide. Hence the petition is allowed. Communication dated 19th July 2004 is set aside and the appropriate Government is directed to make a reference of petitioner no.2 as contemplated by law. Petition accordingly disposed of.

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